



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

July 18, 1975

The Honorable W. M. Holm
Superintendent of Schools
Ector County Independent School District
Box 3912
Odessa, Texas 79760

Open Records Decision No. 103

Re: Identity of employee evaluated at
closed session of board of school
trustees.

Dear Mr. Holm:

Pursuant to section 7 of the Open Records Act, article 6252-17a, V. T. C. S., you request our decision on whether the name of an employee who was the subject of a discussion at a closed session of the Board of Trustees is excepted from required public disclosure. You contend that the identity of the employee is excepted from disclosure under section 3 (a)(1), as information deemed confidential by law, or section 3(a)(2), information in personnel files, or both of these exceptions.

The Board of Trustees held a special meeting and went into executive session to discuss evaluation and possible reassignment of an employee. The Board took no action. A newspaper reporter has requested that the name of the employee discussed in closed session be disclosed, but does not seek the subject matter of the discussion.

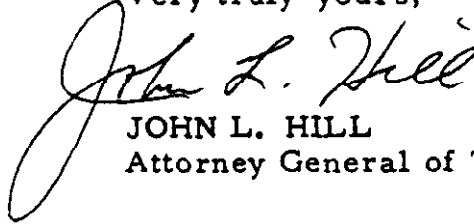
Initially, we note that it is uncertain whether this request is within the scope of the Open Records Act. The Act relates to the availability of recorded information, and is not a means by which public officials may be compelled to respond to general questions about their activities without reference to documents or records. Secs. 2(2), 3(a). See Open Records Decision No. 87 (1975). However, for the purpose of this request, we assume that the information is contained in the minutes of the Board, the personnel file of the employee, or both.

Information reflecting discussion of personnel matters properly held in closed session is excepted from required disclosure under sections 3(a)(1) and 3(a)(2) of the Act. Open Records Decisions 93, 82, 81, 68 (1975), 60 (1974). See Open Records Decisions 90 and 71 (1975).

It is our decision that any recorded information which would disclose the

identity of the employee evaluated and discussed in a properly closed session, and on which the board took no official action, is excepted from required public disclosure by sections 3(a)(1) and 3(a)(2) of the Open Records Act.

Very truly yours,

A handwritten signature in cursive script, reading "John L. Hill".

JOHN L. HILL
Attorney General of Texas

APPROVED:

A handwritten signature in cursive script, reading "David M. Kendall".

DAVID M. KENDALL, First Assistant

A handwritten signature in cursive script, reading "C. Robert Heath".

C. ROBERT HEATH, Chairman
Opinion Committee

jad: